

BEFORE THE TENNESSEE REGULATORY AUTHORITY

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T.R.A. DOCKET ROOM  
DOCKET NO. 14-00031

IN RE: )  
)  
SHOW CAUSE PROCEEDING AGAINST )  
PURE AIR, INC. D/B/A AIR DUCT CLEANING, )  
FOR ALLEGED VIOLATIONS OF TENN. CODE )  
ANN § 65-4-401 *et seq.* )  
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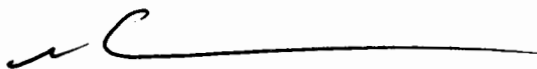
TENNESSEE CODE ANNOTATED SECTION 4-5-313 NOTICE

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Comes now the Tennessee Regulatory Authority, by and through the Compliance Division, and hereby serves notice pursuant to Tenn. Code Ann. § 4-5-313 as follows:

1. An executed version of the accompanying Affidavit of Slayde Warren (attached exhibit 1) may be introduced as evidence at the hearing of Pure Air Inc., d/b/a as Air Duct Cleaning., before the Tennessee Regulatory Authority, Docket No. 14-00031.
2. Slayde Warren may not be called to testify orally, and you would then not be entitled to question such affiant unless you notify Shiva K. Bozarth, at Tennessee Regulatory Authority, Andrew Jackson State Office Building, 502 Deaderick Street, 4<sup>th</sup> Floor, Nashville, Tennessee 37243 that you wish to cross-examine such affiant. To be effective, your request must be received on or before May 9, 2014 at 11:30 a.m. CST.

Respectfully submitted this the 28<sup>th</sup> day of April, 2014.

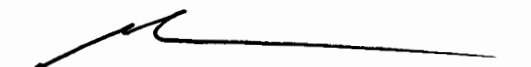


Shiva K. Bozarth, BPR # 022685  
Tennessee Regulatory Authority  
Andrew Jackson State Office Building  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon Bryan Kaemmerwer, Esq. of McCarthy, Leonard & Kaemmerwer, LLC 221, 825 Maryville Centre Drive, Suite 300, Town and Country, Missouri 63017-5946, by delivering same in the United States First Class Mail, with sufficient postage thereon to reach its destination and via fax number 314-392-5521

This 28<sup>th</sup> day of April, 2014.

  
Shiva K. Bozarth

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	<b>Tennessee Regulatory Authority</b>
	)	<b>TRA Docket No.</b>
<b>SHOW CAUSE PROCEEDING AGAINST PURE</b>	)	<b>14-00031</b>
<b>AIR, INC. DBA AIR DUCT CLEANING, FOR</b>	)	
<b>ALLEGED VIOLATIONS OF TENN. CODE ANN.</b>	)	
<b>§ 65-4-401 <i>et seq.</i></b>	)	

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**AFFIDAVIT OF SLAYDE WARREN IN SUPPORT OF ALLEGATIONS OF VIOLATIONS  
OF TENN. CODE ANN. § 65-4-401 *et seq.* PURSUANT TO A PROCEEDING REQUIRING  
PURE AIR, INC. DBA AIR DUCT CLEANING TO SHOW CAUSE WHY A CEASE AND  
DESIST ORDER AND/OR FINE SHOULD NOT BE IMPOSED**

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I, Slayde Warren, being first duly sworn upon oath, do hereby state as follows:

1. I have personal knowledge of the facts stated herein.
2. I am employed by the State of Tennessee in the capacity of Investigator with the Do Not Call-Do Not Fax Program of the Tennessee Regulatory Authority ("Authority" or "TRA").
3. As an Investigator in the Do Not Call-Do Not Fax programs my duties include investigation of complaints from Tennessee consumers alleging violation of the Tennessee Do Not Call Law, Tenn. Code Ann. § 65-4-401, *et seq.*
4. I am submitting this affidavit in support of allegations of violations of Tenn. Code Ann. § 65-4-401 *et seq.* pursuant to a Show Cause proceeding in TRA Docket No. 14-00031.
5. On September 18, 2013 a Notice of Alleged Violations ("NAV") was sent via certified mail to Pure Air, Inc, dba Air Duct Cleaning at 1019 S. Big Bend Blvd, St. Louis, MO 63117-1065.



6. On November 4, 2013 a NAV was sent via certified mail to Pure Air, Inc, dba Air Duct Cleaning at 7138 Tulane Ave, St Louis, MO, 63130.
7. Between July 1, 2013 and July 17, 2013, the Consumer Services Division (“CSD”) received complaints from eight (8) Tennessee consumers. The complaints total eight (8) alleged violations of the TENN. CODE ANN. § 65-4-401 *et seq.* The following is a summary of the complaints.
  - Gil Cawood received an unsolicited telemarketing call at (615) 883-0621 from the Respondent on July 1, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Gil Cawood to the Respondent via certified mail. Respondent did not respond.
  - Don Kerce received an unsolicited telemarketing call at (615) 315-5544 from the Respondent on July 2, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Don Kerce to the Respondent via certified mail. Respondent did not respond.
  - Sandra Sanders received an unsolicited telemarketing call at (615) 865-9347 from the Respondent on July 2, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Sandra Sanders to the Respondent via certified mail. Respondent did not respond.
  - Brenda Williams received an unsolicited telemarketing call at (615) 441-3696 from the Respondent on July 9, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Brenda Williams to the Respondent via certified mail. Respondent did not respond.

- Charles Ruark received an unsolicited telemarketing call at (615) 847-2941 from the Respondent on July 10, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Charles Ruark to the Respondent via certified mail. Respondent did not respond.
  - Robert Blackford received an unsolicited telemarketing call at (615) 385-4829 from the Respondent on July 11, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Robert Blackford to the Respondent via certified mail. Respondent did not respond.
  - Chris Glenn received an unsolicited telemarketing call at (615) 886-7177 from the Respondent on July 16, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Chris Glenn to the Respondent via certified mail. Respondent did not respond.
  - Patricia Suddarth received an unsolicited telemarketing call at (615) 230-6737 from the Respondent on July 17, 2013. On September 18, 2013 and November 4, 2013 the CSD sent a NAV related to the complaint filed by Patricia Suddarth to the Respondent via certified mail. Respondent did not respond.
8. On August 22, 2013, documents provided by 8x8 Communications indicated that the telephone number 615-334-3532 is assigned to Noach Palatnik and Air Duct Cleaning (Exhibit 1). On September 12, 2013, an email from Dennis E. Mullen, Deputy Attorney General for the state of Indiana, provided additional information regarding Air Duct Cleaning and Mr. Noach Palatnik, including a current address of record and a copy of a summons served on Mr. Noach Palatnik in Indiana (Exhibit 2). The CSD has not received a response to the NAV's sent on September 18, 2013 (Exhibit 3) and

November 4, 2013 (Exhibit 4). Both NAV's were sent certified mail and both NAV's have signed receipts (Exhibits 5 and 6).

9. Respondent has failed to respond to a total of eight (8) complaints. NAVs have been issued on all complaints to Pure Air, Inc, dba Air Duct Cleaning.
10. Attempts have been made to contact Noach Palatnik with Pure Air Inc, dba, Air Duct Cleaning with no success. On November 27, 2013, Eliza Bradley of the Indiana Attorney General's office contacted our office by phone and supplied our office with a current phone number for Mr. Noach Palatnik. A message was left for Mr. Noach Palatnik; however, he has failed to make contact. Air Duct Cleaning is not registered with the Tennessee Secretary of State or the Tennessee Regulatory Authority to conduct telemarketing activities. Mr. Noach Palatnik has obtained legal representation from attorney Bryan Kaemmerer of McCarthy, Leonard & Kaemmerer, L.C. Mr. Kaemmerer can be contacted at 314-392-5200. Mr. Kaemmerer is representing Mr. Palatnik in actions brought by Indiana and Missouri alleging telemarketing violations.

**FURTHER AFFIANT SAITH NOT.**

Slad Wen

Name

Subscribed to and signed before me on this 25 day of April, 2014.

Reene Lawless  
NOTARY PUBLIC

My Commission Expires:

11/9/2018

(SEAL)

